

JUDGE NATHAN

JS 44C/SDNY
REV. 1/2014

CIVIL COVER SHEET

14 CV 0942

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

by the
use of
FEB 11 2014

PLAINTIFFS
FREEPLAY MUSIC, LLC,

DEFENDANTS
GENSCRIPT USA, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Nixon Peabody LLP

50 Jericho Quadrangle, Ste. 300

Jericho, New York, 11753 - (516) 832-7500

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Copyright Infringement (17 U.S.C. § 101 et seq.)

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned _____

If yes, was this case Vol. Invol. Dismissed No Yes If yes, give date _____ Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

NATURE OF SUIT

TOPICS

• 2014 年第 10 期 • 101

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 130 MILLER ACT		[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	28 USC 157	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER		21 USC 881		[] 450 COMMERCE
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY				[] 460 DEPORTATION
OF JUDGMENT	[] 340 MARINE		[] 630 LIQUOR LAWS		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY		[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 480 CONSUMER CREDIT
[] 152 RECOVERY OF DEFOLTED	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS	[] 830 PATENT	[] 490 CABLE/SATELLITE TV
STUDENT LOANS (EXCL VETERANS)	[] 355 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 840 TRADEMARK	[] 510 SELECTIVE SERVICE
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 690 OTHER		[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 160 STOCKHOLDERS SUITS		[] 385 PROPERTY DAMAGE PRODUCT LIABILITY			[] 875 CUSTOMER CHALLENGE
[] 190 OTHER CONTRACT				[] 710 FAIR LABOR STANDARDS ACT	12 USC 3410
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES			[] 720 LABOR/MGMT RELATIONS	[] 890 OTHER STATUTORY ACTIONS
[] 196 FRANCHISE	CIVIL RIGHTS	[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT		[] 891 AGRICULTURAL ACTS
		[] 530 HABEAS CORPUS	[] 740 RAILWAY LABOR ACT	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 892 ECONOMIC STABILIZATION ACT
		[] 535 DEATH PENALTY	[] 790 OTHER LABOR LITIGATION	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS
		[] 540 MANDAMUS & OTHER	[] 791 EMPL. RET. INC SECURITY ACT	26 USC 7609	[] 894 ENERGY ALLOCATION ACT
REAL PROPERTY					[] 895 FREEDOM OF INFORMATION ACT
					[] 900 APPEAL OF FEE DETERMINATION
					UNDER EQUAL ACCESS TO JUSTICE
[] 210 LAND CONDEMNATION	[] 444 WELFARE				[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 220 FORECLOSURE	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT				
[] 230 RENT LEASE & EJECTMENT	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION		
[] 240 TORTS TO LAND		[] 555 PRISON CONDITION	[] 463 HABEAS CORPUS- ALIEN DETAINEE		
[] 245 TORT PRODUCT LIABILITY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)		[] 465 OTHER IMMIGRATION ACTIONS		
[] 290 ALL OTHER REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$_____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint.

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)
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CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

FREEPLAY MUSIC, LLC - 1650 Broadway, Suite 1108, New York, New York 10019

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

GENSCRIPT USA, INC. - 860 Centennial Avenue, Piscataway, New Jersey 08854

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 2/11/14 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[] YES (DATE ADMITTED Mo. 06 Yr. 2010)
 Attorney Bar Code # SLB-7011

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)